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COMMONWEALTH OF VIRGINIA BOARD OF VETERANS SERVICES

Position Paper 2014-03

Virginia Military Survivors and Dependents Education Program Residency Requirements

1. **Objective:** To improve access to higher education for the survivors and dependents of certain veterans.
2. **Background:**
 - The Virginia Military Survivors and Dependents Education Program (VMSDEP) provides education benefits to spouses and children of military service members killed, missing in action, taken prisoner, or who became at least 90 percent disabled as a result of military service in an armed conflict.
 - Military service includes service in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserves. Armed conflict includes military operations against terrorism or as the result of a terrorist act, a peace-keeping mission, or any armed conflict after December 6, 1941.
 - Residency requirements for VMSDEP eligibility are set forth in §23.7-4:1.
 - Under the VMSDEP, tuition and required fees are waived for qualifying students at Virginia public colleges and universities. Students also receive a stipend towards the cost of room, board, books, and supplies.
 - 1,100 students attended a Virginia college or university under the VMSDEP in the 2012-2013 school year, up from 902 in 2009-2010.
3. **Discussion:**
 - A limited number of recently separated or retired military service members may not meet the residency requirements for the VMSDEP but meet all other eligibility requirements.
 - The issue concerns veterans who, when they were on active duty, were not a bona fide domiciliary of the Commonwealth of Virginia for tax purposes, but who have had a long-term physical presence in the Commonwealth because they were previously assigned to a duty station in Virginia.
 - The survivors and dependents of veterans who remain in Virginia after leaving active duty should be eligible for VMSDEP benefits, provided the veteran through whom they claim eligibility has taken the required steps to establish domicile. These veterans have demonstrated their commitment to the Commonwealth by their long-term physical presence and by remaining in the state after leaving active duty, and this physical presence should be counted towards satisfaction of the residency requirement.
4. **Recommendation:** that the Governor and General Assembly enact legislation effecting a very limited change to the Code of Virginia in regards to the residency requirements of the Virginia Military Survivors and Dependents Education Program.